TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director/

(954) 797-1101

PREPARED BY: Carlo F. Galluccio III, Planner I

SUBJECT: Quasi Judicial Hearing, Variance Application: V 10-1-07/08-1/

Perez located at 2751 Southwest 121st Avenue

AFFECTED DISTRICT: District 3

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: V 10-1-07/08-01/Perez

REPORT IN BRIEF: The requested variance is to reduce the scenic corridor buffer from 25 feet to zero to allow the construction of a fence along the front property line. The proposed fence includes an entrance gate feature which is set back 25 feet from the front property line to create the required sight visibility triangle. A variance is also requested from Section 12-284, Scenic Corridors Overlay District, to allow the entranceway feature columns to extend up to 6.5 feet in height (current maximum is 4.5 feet) and to allow the fence columns to extend up to 4.5 feet (current maximum is 4 feet).

PREVIOUS ACTIONS:

At the April 2, 2008 Town Council meeting, this application was tabled to the April 16, 2008 meeting. (Motion carried 4-0, Councilmember Luis absent)

CONCURRENCES:

Mr. Pignato made a motion, seconded by Ms. Turin, to table to March 26th. In a roll call vote, the

vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – yes; Ms. Turin – yes. (Motion carried 5-0)

V 10-1-07, Perez/Batista and Perez, 2751 SW 121 Avenue (AG) (tabled from March 12, 2008 Ms. Turin made a motion, seconded by Mr. Pignato, to deny. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – yes; Ms. Turin – yes. (Motion carried 4-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Planning Report

Exhibit "A"

Application: V 10-1-07/08-1/Venecia Perez

Original Report Date: 2/4/08 Revision(s): 2/12/08,

4/4/08

Name: Luciano Batista/Venecia Perez

Address: 2751 SW 121st Avenue **City:** Davie, Florida 33330 **Phone:** (954) 562-9399

Phone: (954) 562-9399 **Fax:** (954) 671-4549

Background Information

Date of Notification: March 5, 2008 **Number of Notifications:**

52

Petitioner's Request: Variance from the Land Development Code, Section 12-

282, Scenic Corridors Overlay District, Parcel under separate ownership and under five (5) acres **FROM**: requiring a landscape buffer of twenty-five (25) feet **TO**: provide a landscape buffer of zero (0) feet from the road rights-of-way (property line): Section 12-284(C), Scenic Corridors Overlay District, Entrance features FROM: a maximum of a four and one-half (4.5) feet in height **TO**: a maximum of a six and one-half (6.5) feet in height: Section 12-286 (B)(3)(a)(e),Rural Lifestyle Development Regulations, Wall height, **FROM:** maximum three (3) feet in height **TO**: Maximum of four (4) feet in height: Section 12-286 Rural Lifestyle Development (B)(3)(e),Regulations, Column height, FROM: a maximum of four (4) feet in height **TO**: a maximum of four and one-half

(4.5) feet in height.

Address: 2751 Southwest 121st Avenue

Location: Generally located at on Southwest 121st Avenue, 644 feet

south of Southwest 26th Street.

Future Land

Use Plan Map: Residential 1 DU/Acre

Existing Zoning(s): AG, Agricultural

Existing Use(s): Residential 1 DU/Acre

Parcel Size: Approximately 1.8 Acre (78,853 Square Feet)

Surrounding Land Use Plan

Surrounding Uses:

Designation:

North: Single family dwelling

Residential 1 DU/Acre

South: Single family dwelling

Residential 1 DU/Acre

East: Single family dwelling

Residential 1 DU/Acre

West: Single family dwelling

Residential 1 DU/Acre

Surrounding Zoning:

North: AG, Agricultural District
South: AG, Agricultural District
East: A-1, Agricultural District
West: A-1, Agricultural District

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-309) of the Land Development Code, review for variances.

Land Development Code (Section 12-282) Scenic Corridors Overlay District: The intent of the scenic corridor overlay district is to preserve and enhance the rural character and scenic qualities along roadways identified as rural and agricultural by the town council. The goals of the scenic corridor overlay district guidelines are 1) to prevent the visual encroachment of buildings and structure, along scenic roadways and 2) to maintain existing desirable vegetation and enhance vegetation along designated roadways. Waivers. The town council may grant relief from the provisions of section 12-282 upon a showing by the property owner that the regulations imposed upon the property by another governmental agency will cause there to be a hardship upon the property owner if that property owner is required to fully comply with section 12-282. The town council shall grant the minimum relief necessary to remedy the demonstrated hardship. Landscape requirements shall still be satisfied by the property owner.

Land Development Code (Section 12-284) (C) Fences, mailboxes, bus stops and entranceway features. (C) No mailbox or entranceway feature within the scenic corridor setback shall be greater than four and one-half (4.5) feet in height.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2, this Planning Area is located in the westernmost section of the Town of Davie north of Orange Drive and south of SW 14th Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single-family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance,

Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

Staff Analysis

which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district;

The circumstance (the fact that the neighboring properties have fences along the front property line) is not uncommon within the AG district or within the Scenic Corridor Overlay district.

and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variances are sought;

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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Exhibits

 $File\ Location:\ P\&Z \backslash Development\ Applications \backslash Applications \backslash V_Variance \backslash V_07 \backslash V\ 10-1-07\ Vencia\ Perez$

Exhibit 1 (Justification Letter)

APPLICATION FOR VARIANCE:

To the Board of Zoning for the town of Davie

Statement of Ownership and Interest.

- The applicant and owner, Luciano Batista and Venecia Perez the owner of property situated at the following address: 2751 SW 121ave Davie, Florida 33330.
- The legal description of the property is as follows: The East 461.13 feet (as measured along the North and South lines) or the North 171 feet (as measured along the East and West lines) of Tract 19, of UNIT "A" FLAMINGO GROVES, as recorded in Plat Book 10, page 52 or the Public Records of Broward County, Florida.
- The applicant(s) acquired the above-described property on December 12, 2006.
- Telephone number is 954-530-3682 and Cellular number 954-562-9399.

B. Request.

The applicants request the following variance(s):

- a. Applying for variance for the 2 main columns in the main gate entrance which are 6'6'
- b. Applying for variance for the Fenced entrance way sight triangle to be as drowned by the architect (Section 12-205- (6) A

1.Section(s) of Zoning Ordinance concerned:

Article IX Rural Lifestyle Reg.

- ii. 12-282
- iii. 12-283
- iv. 12-284
- v. 12-205-(6) A

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Exhibit 2 (Neighbor Approval)

Name:

Address:

Saturday, July 07, 2007

To: Town of Davie We are the neighbors of the property located at 2751 SW 121 avenue in Davie, Florida 33330. We are in agreement with the construction of a fence/gate that will be done at this location. Signature: Signature: Name: Rosalt LECUNTER. Name: Nathaly Address 2.750 SW 121 Address: 3000 5w 121 Signature Signature: Name: Name: Address: 7800 Address: Signature: Signature: Name: Name: Address: Address: Signature: Signature: Name: 2700 Name: Address: Address: Signature: Signature: Name: Bonner Griner Name: Address: 7675 5W 171 Ter. Address: Signature: / Signature: Name: 12090 S. W Name: Address: Deceth Behan Address: Signature: Signature:

Name:

Address:

Exhibit 3 (Mail-out Map)

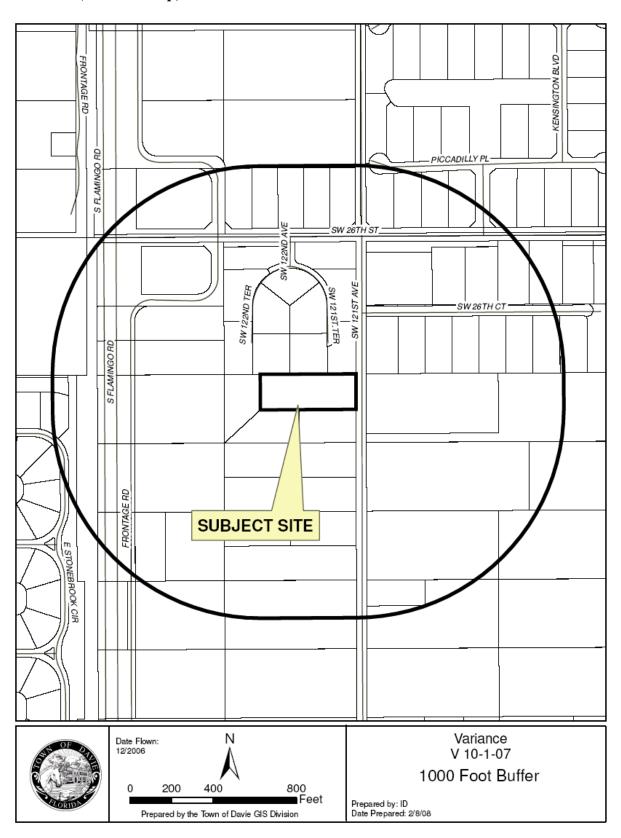


Exhibit 4 (Mail-out)

V 10-1-07 ANIMALS RECREATION & REHAB CENTER LLC 2670 S FLAMINGO

V 10-1-07 BEHAR,ROBERT J 1/2 INT BEHAR,DERETH A 12090 SW 26 CT DAVIE FL 33330-1328

V 10-1-07 CARDONA,MARTHA L 2691 SW 122 TER DAVIE FL 33330-1300

V 10-1-07 DEVINE,MICHAEL J 3000 S FLAMINGO RD DAVIE FL 33330-1310

V 10-1-07 ECATS 2 LLC 10885 NW 6 ST CORAL SPRINGS FL 33071

V 10-1-07 GIORDANY,DEBORAH ANE & GIORDANY,GERARD 12030 SW 26 ST DAVIE FL 33325-5205

V 10-1-07 GREY,CAROL LYNNE REV TR 2670 SW 122 TER DAVIE FL 33330-1333

V 10-1-07 HAYDU,THOMAS A 12040 SW 26TH ST DAVIE FL 33325-5205 V 10-1-07 BATISTA,LUCIANO & PEREZ,VENECIA 2751 SW 121 AVE DAVIE FL 33330-1311

V 10-1-07 BOVIE,JOSEPHINE 2695 SW 121ST TER DAVIE FL 33330-1319

V 10-1-07 CHUNG,DENNIS H & OLIVIA R 12020 SW 26 ST DAVIE FL 33325

V 10-1-07 DONG,LOU-CHING & SU-PING 5185 SW 160 AVE DAVIE FL 33331

V 10-1-07 FLORIDA DEPT OF TRANSPORTATION OFFICE OF RIGHT OF WAY 3400 W COMMERCIAL BLVD FORT LAUDERDALE FL 33309-

V 10-1-07 GLAZER, DAVID L 3945 CARSON AVE HOLLYWOOD FL 33026-4964

V 10-1-07 GRINER,W B & CHERYL L LE 2675 SW 121ST TER DAVIE FL 33330-1319

V 10-1-07 INNOCENT, CASSAGNOL & MARIE P 11840 SW 26 CT DAVIE FL 33330 V 10-1-07
BEHAN,HUGH J & MARY
CRAYCRAFT
12080 PICCADILLY PL
DAVIE FL 33325-5231
V 10-1-07
BRICKMAN,GEORGE J &
BRICKMAN,ELIZABETH
12040 PICCADILLY PL
DAVIE FL 33325-5231

V 10-1-07 CUTINO,VICTOR 2995 SW 121 AVE DAVIE FL 33330-1315

V 10-1-07 DOWNS,JACK C & JUDY L 12040 SW 26TH CT DAVIE FL 33330-1328

V 10-1-07 FROHRING,C A & LINDA J 2690 SW 122ND TER DAVIE FL 33330-1333

V 10-1-07 GLAZER,RONALD & REBECCA 2770 SW 121 AVE DAVIE FL 33330

V 10-1-07 HAMLET HOMEOWNERS ASSN INC % PRO COMM MGMT INC 786 BLANDING BLVD #118 V 10-1-07

V 10-1-07 JIMRUSTI,INGRID REV LIV TR 4085 SW HONEY TER PALM CITY FL 34990 V 10-1-07 KOONS,MICHAEL & PAMELA 11880 SW 26TH CT

DAVIE FL 33330-1326

V 10-1-07

MATEU, LEONARDO P

& GIOCONDA 100 S BIRCH ROAD UNIT 2902 FORT LAUDERDALE FL 33316 V 10-1-07 MUNSON,ROBERT ALLEN

V 10-1-07 PEACEFUL RIDGE LLC 2800 SW 121 AVE DAVIE FL 33330

DAVIE FL 33330-1318

3010 SW 121 AVE

V 10-1-07 SAZAMA,TIMOTHY A & DEBORAH L 12020 SW 26 CT DAVIE FL 33330

V 10-1-07 SIEGEL,DAVID & JULIA 12060 SW 26 CT DAVIE FL 33330

V 10-1-07 STONEBROOK ESTATES COMM ASSO INC 7227 CLINT MOORE ROAD V 10-1-07 VOGTNER,ALINA & VOGTNER,DANIEL 11940 PICADILLY PL DAVIE FL 33325

V 10-1-07 WEEKLEY,DANIEL D & WEEKLEY,TROY L & WEEKLEY,WAYNE 20701 STIRLING RD PEMBROKE PINES FL 33332 V 10-1-07

LECHNER,ROBERT L 1/2 INT EA DULLUM,MERCEDES K 2750 SW 121 AVE DAVIE FL 33330-1312

V 10-1-07 MAXWELL, VELMA NADEEN 11900 SW 26 ST DAVIE FL 33325-5204

V 10-1-07 MUNSON,ROBERT R & SHIRLEY L 3030 SW 121 AVE DAVIE FL 33330-1318

V 10-1-07 PLASENCIA,OSCAR 2603 SW 122 TER DAVIE FL 33330-1329

V 10-1-07 SCHULTZ,SHERI 12000 PICCADILLY PL DAVIE FL 33325

V 10-1-07 SKIDMORE,ALAN G 2602 SW 122ND AVE DAVIE FL 33330-1330

V 10-1-07 SULBARAN,MELVY LIZ 1/2 INT EA ESCOBAR,ALVARO E 12010 SW 26 ST DAVIE FL 33325-5205 V 10-1-07 WALTON,SHIRLEY 1/2 INT

WALTON, SHIRLEY 1/2 IN WALTON, ROBERT 2700 SW 121 TER DAVIE FL 33330-1322

V 10-1-07 YOUNG,KEVIN D & HEATHER L 2801 E STONEBROOK CIR DAVIE FL 33330 V 10-1-07 LINARES,CARLOS & LINARES,JUDY

11980 PICADILLY PL DAVIE FL 33325

V 10-1-07 MITCHELL, JAMES E & VIRGINIA M 2761 SW 121ST AVE DAVIE FL 33330-1311

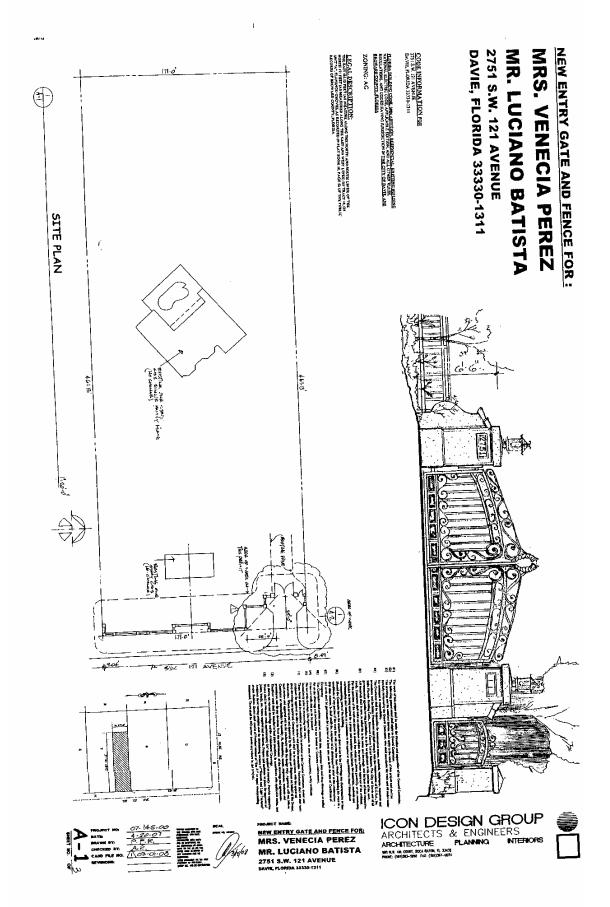
V 10-1-07 NORWEGIAN SEAMENS CHURCH INC 1180 SOUTH AMERICA WAY MIAMIEI 22122 V 10-1-07 PRIOR,PETER W & GAIL A 2780 S FLAMINGO RD DAVIE FL 33330-1304 V 10-1-07 SHOUA,DAVID & ALISA 2800 SW 121ST AVE DAVIE FL 33330-1314

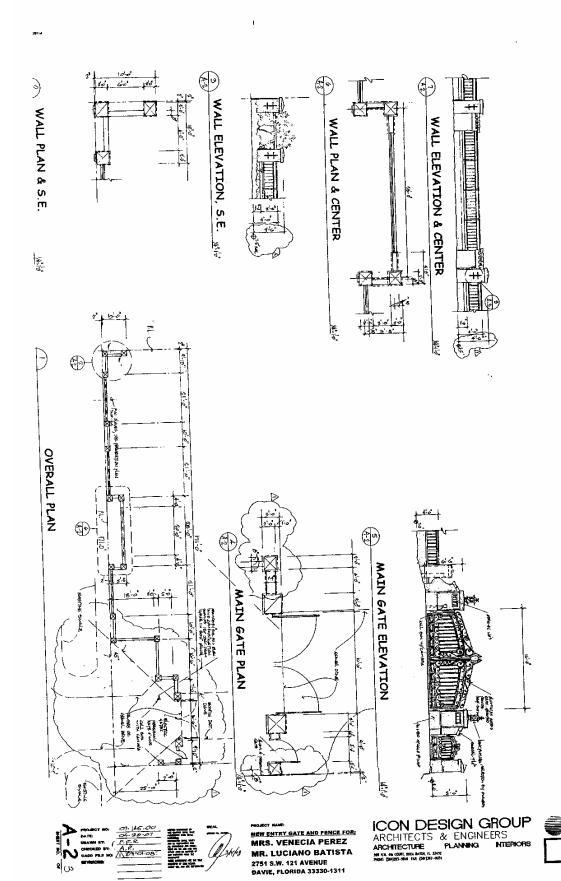
V 10-1-07 SOHMER,PAUL & DONNA 2651 SW 122ND TER DAVIE FL 33330-1300

V 10-1-07 VEGA,GUSTAVO 16485 COLLINS AVE #1036 MIAMI BEACH FL 33160

V 10-1-07 WEEKLEY BROS LEASING LTD 20701 STIRLING ROAD PEMBROKE PINES FL

V 10-1-07 ZADES,NICHOLAS & RENA M 11900 SW 26TH CT DAVIE FL 33330-1323 V 10-1-07 ZAFRANI,ABRAHAM 2800 S FLAMINGO ROAD DAVIE FL 33330





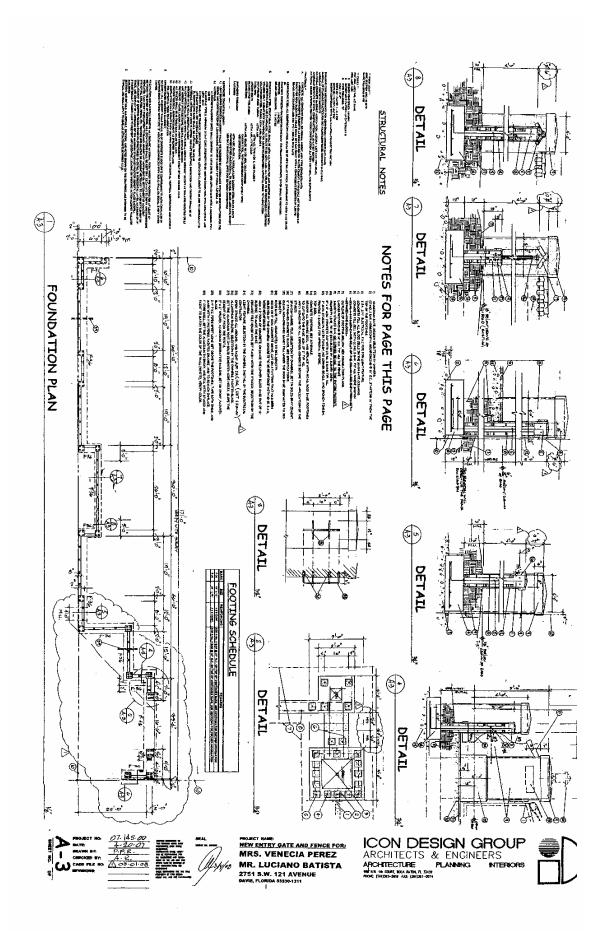


Exhibit 5 (Future Land Use Map)

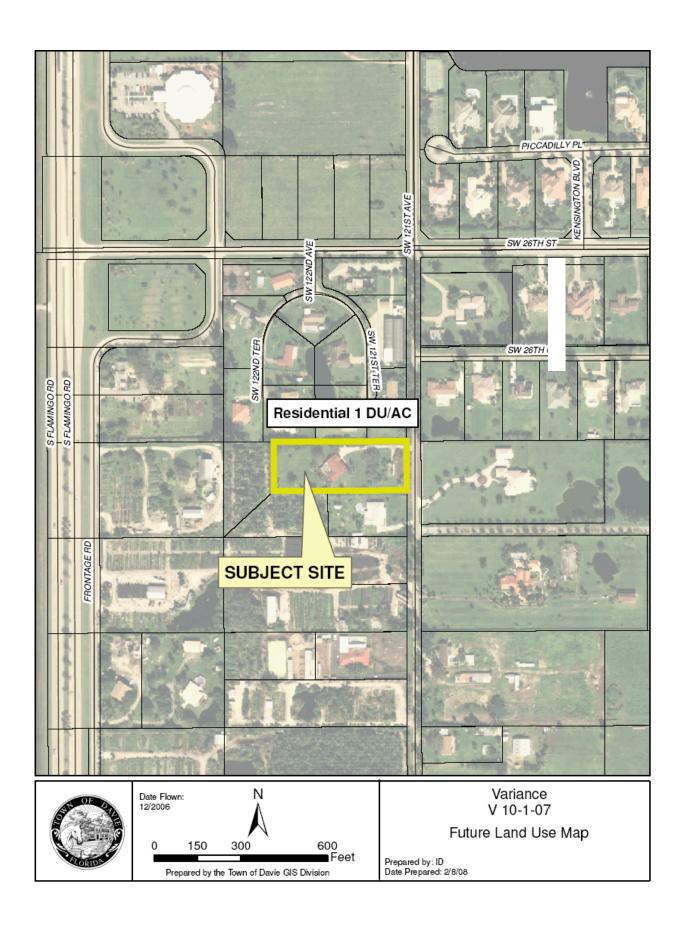
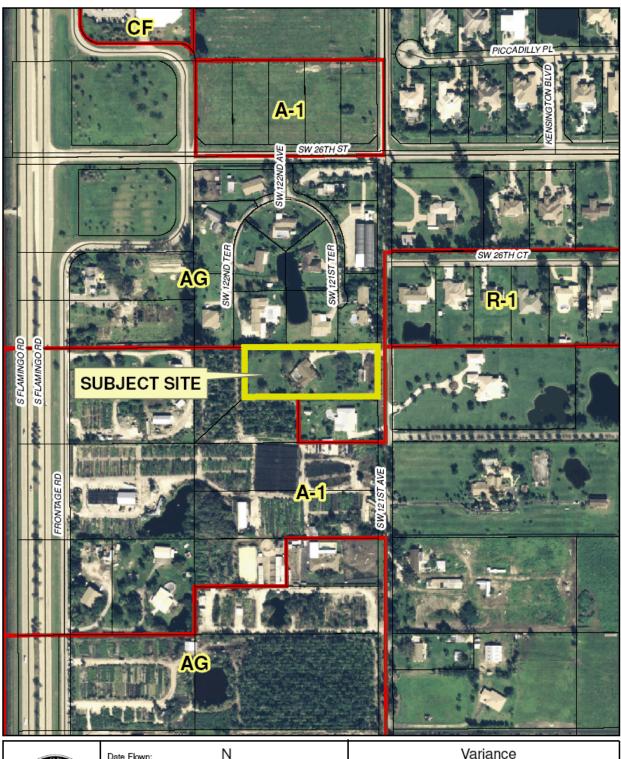
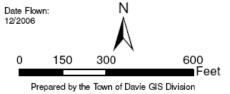


Exhibit 6 (Aerial, Zoning, and Subject Site Map)







Variance V 10-1-07 Zoning and Aerial Map

Prepared by: ID Date Prepared: 2/8/08